

ORDINANCE NO. 2012-09

AN ORDINANCE VACATING A PEDESTRIAN ACCESS EASEMENT ON LOT 150 *THE VILLAGE AT WALDEN PRESERVE*

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADISON, ALABAMA, SITTING IN REGULAR SESSION ON THIS THE 23RD DAY OF JANUARY, 2012 AS FOLLOWS:

Section 1: The City Council of the City of Madison, Alabama finds that an application has been presented to the City of Madison requesting: **VACATING THE PEDESTRIAN ACCESS EASEMENT ON THE ON LOT 150 OF THE VILLAGE AT WALDEN PRESERVE;** that the applicant has represented to the City of Madison that William M. and Cheryl A. Congo are the owners of the property on which said pedestrian access easement lay; and that said easement or portion being vacated is not presently used and is no longer needed for public or municipal purposes.

Section 2: Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Madison, Alabama is hereby authorized, requested, and directed to execute a quitclaim deed vacating the pedestrian access easement hereinafter described, to-wit:

ALL THAT PART OF LOT 150 ACCORDING TO THE RECORD PLAT OF THE VILLAGE AT WALDEN PRESERVE AS RECORDED IN DOCUMENT NO. 20050517000315620 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA.

PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 150; THENCE FROM THE POINT OF BEGINNING NORTH 04 DEGREES 03 MINUTES 25 SECONDS EAST ALONG THE WEST BOUNDARY LINE FOR A DISTANCE OF 18.25 FEET; THENCE ALONG A PEDESTRIAN EASEMENT BOUNDARY LINE, NORTH 73 DEGREES 19 MINUTES 24 SECONDS EAST 97.78 FEET; THENCE NORTH 41 DEGREES 00 MINUTES 38 SECONDS EAST 154.97 FEET TO THE RIGHT OF WAY MARGIN OF EQUESTRIAN LANE; THENCE ALONG SAID RIGHT OF WAY MARGIN, AROUND A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 43 DEGREES 13 MINUTES 16 SECONDS EAST 10.05 FEET; THENCE LEAVING SAID EQUESTRIAN LANE AND ALONG THE SOUTHEASTERLY BOUNDARY LINE SAID LOT 150, SOUTH 41 DEGREES 00 MINUTES 38 SECONDS WEST 194.27 FEET; THENCE ALONG THE SOUTH BOUNDARY LINE OF SAID LOT 150, SOUTH 83 DEGREES 02 MINUTES 35 SECONDS WEST 76.62 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.09 ACRE OR 3,897 SQUARE FEET, MORE OR LESS.

READ, PASSED, AND ADOPTED this _____ day of _____, 2012.

Tommy Overcash
President of the City Council
City of Madison, Alabama

ATTEST:

Melanie A. Williard, City Clerk-Treasurer

APPROVED this _____ day of _____, 2012.

Paul Finley, Mayor
City of Madison, Alabama

Notary Public

McElveen, Cheryl

From: Chynoweth, Gary
Sent: Wednesday, January 04, 2012 10:49 AM
To: McElveen, Cheryl
Cc: Bates, Greg
Subject: RE: 159 Equestrian Lane Vacation of Easement

Engineering does not approve the vacation of the pedestrian easement. The easement was placed there as the terminal connection of the Bradford Creek Greenway and is a walking connection directly to Liberty Middle School.

Gary Chynoweth

From: McElveen, Cheryl
Sent: Wednesday, January 04, 2012 9:32 AM
To: Chynoweth, Gary
Subject: 159 Equestrian Lane Vacation of Easement

Gary,

Please let me know your recommendation as to vacating the pedestrian access easement at 159 Equestrian Lane.

Thanks!

Cheryl K. McElveen
Department of Community Development & Planning
City of Madison | [Planning Department](#) | [Economic Development](#)
256-772-5630 | direct
cheryl.mcelveen@madisonal.gov

City of Madison
Planning Department
100 Hughes Road
Madison, Alabama 35758



City Council Report

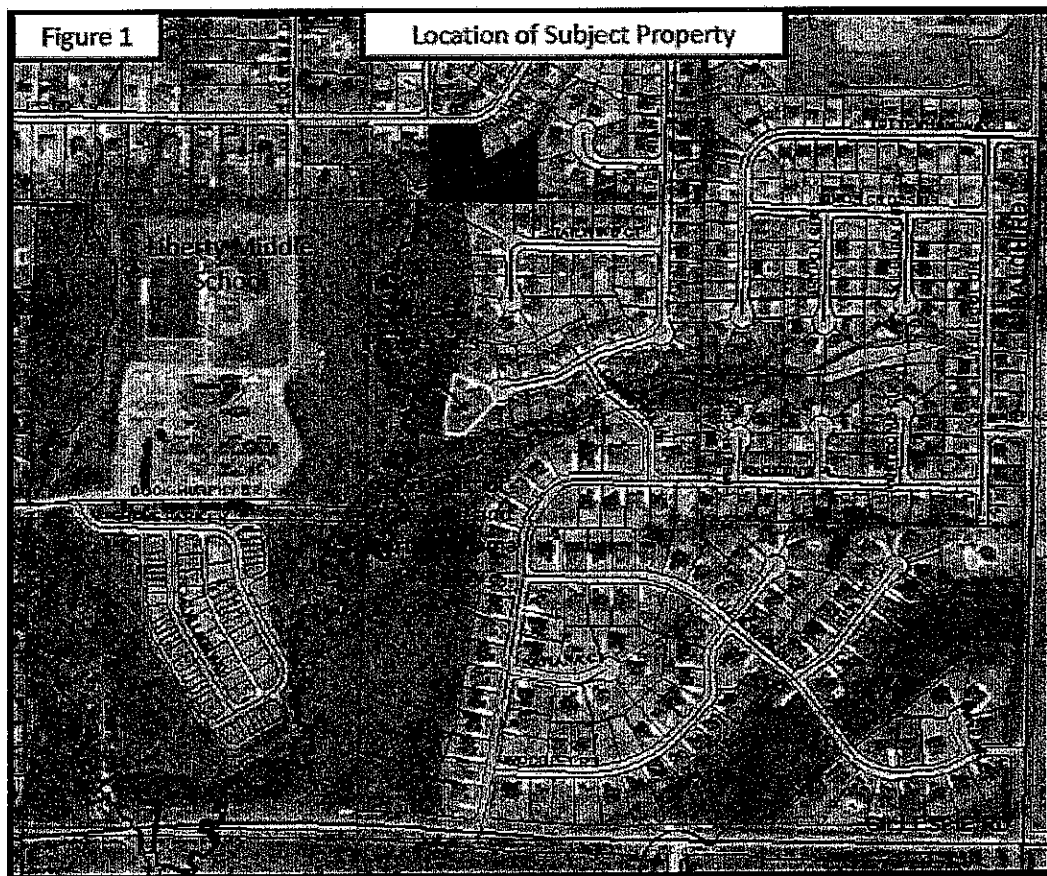
January 3, 2012

To: Mayor Paul Finley
Council President, Tommy Overcash
Members of the Madison City Council

Agenda Item: 159 Equestrian Lane
Request: Vacation of a Pedestrian Access Easement
Applicant: William M. & Cheryl A. Congo
Owner: William M. & Cheryl A. Congo

Location of Subject Property

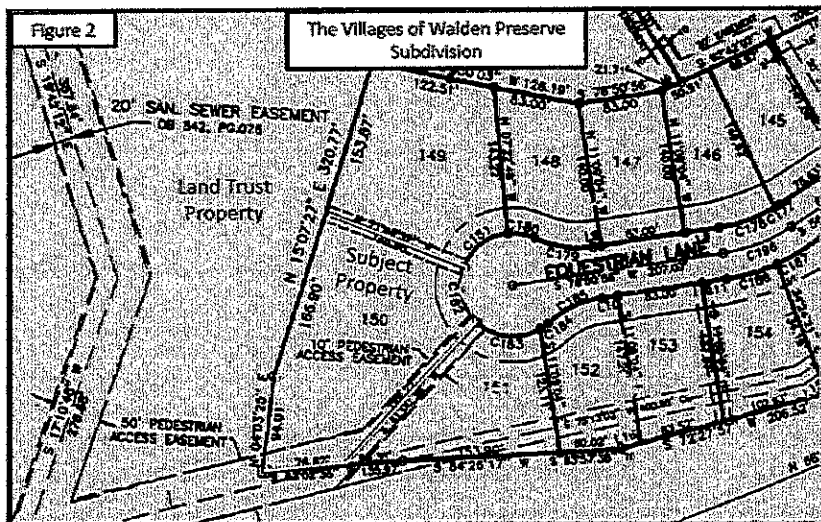
The address of the subject property is 159 Equestrian Lane which lies on the southwestern side of cul-de-sac at its west end. It is located in *The Village at Walden Preserve* subdivision. The subject property is generally west of Balch Road and east of Liberty Middle School.



Background

The Village at Walden Preserve subdivision was recorded in the Office of Probate of Madison County in May of 2005. A ten (10) foot

pedestrian access easement was platted along the adjoining side yard property lines of lots 150 and 151. The pedestrian access easement adjoins an additional fifty (50) foot pedestrian access easement that was platted with the subdivision. This property has since been deeded to the Land Trust of Huntsville and North Alabama. The pedestrian easements were platted to provide access to the Bradford Creek Greenway and Liberty Middle School.



The portion of the Bradford Creek Greenway near the subject property is shown on the Greenway and Trails Master Plan in Figure 3. The portion of the Bradford Creek Greenway highlighted in

yellow is a future phase and is currently not funded. The portion of the Bradford Creek Greenway highlighted in blue is funded and is currently under construction.

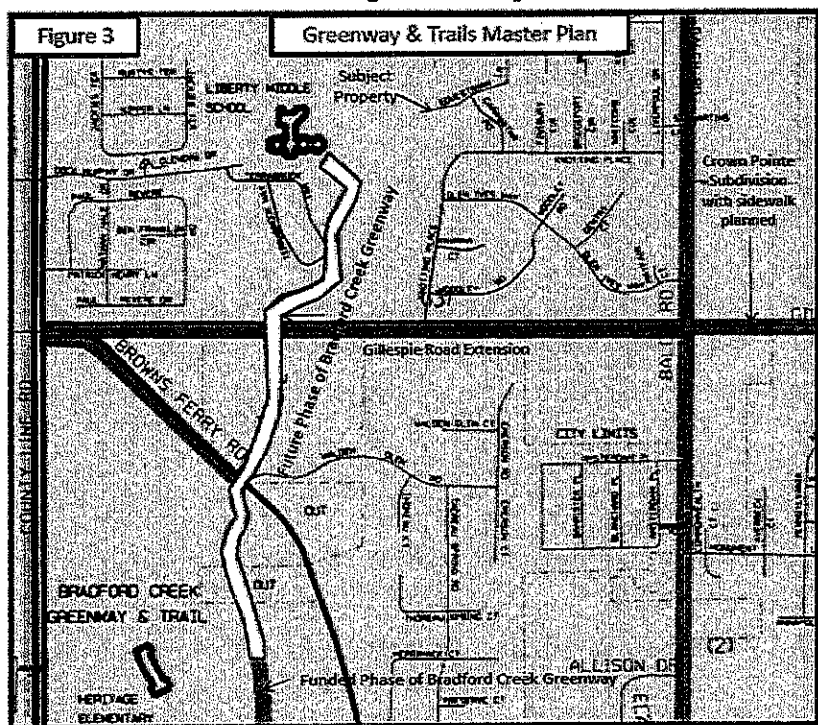
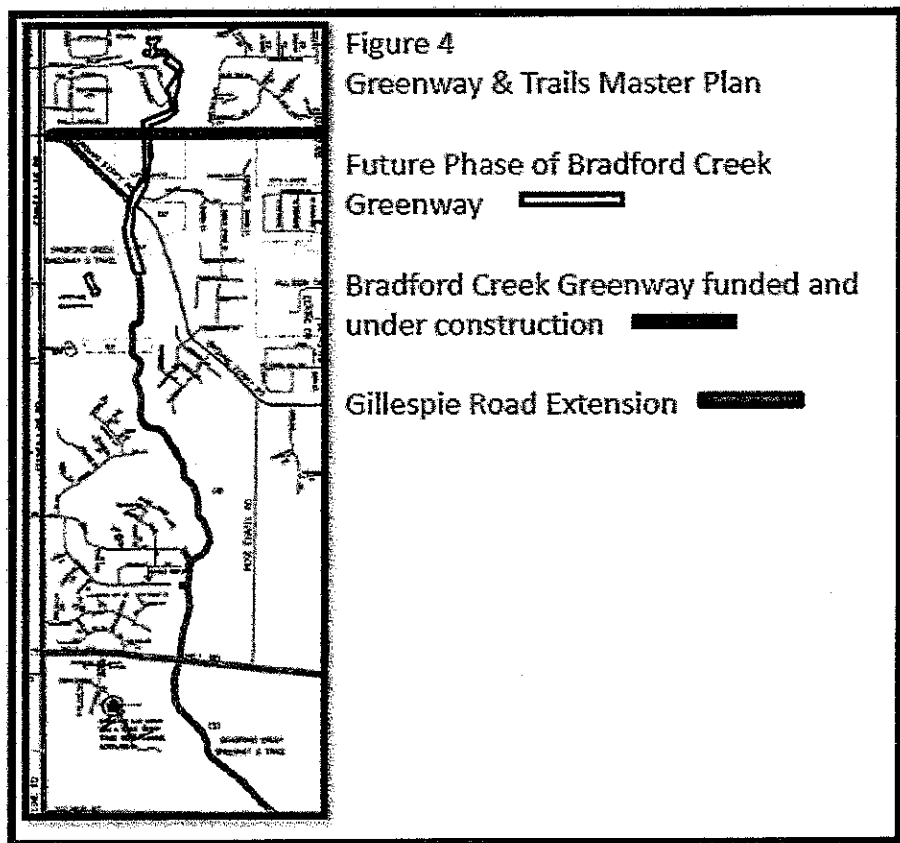


Figure 4, found on Page 3 of this report, shows the entire portion of the Bradford Creek Greenway currently funded and under construction.

Sidewalks are planned along the east side of Balch Road and the north side of Gillespie Road with the construction of *Crown Pointe Subdivision*. The Gillespie Road extension is complete but no sidewalks were constructed.



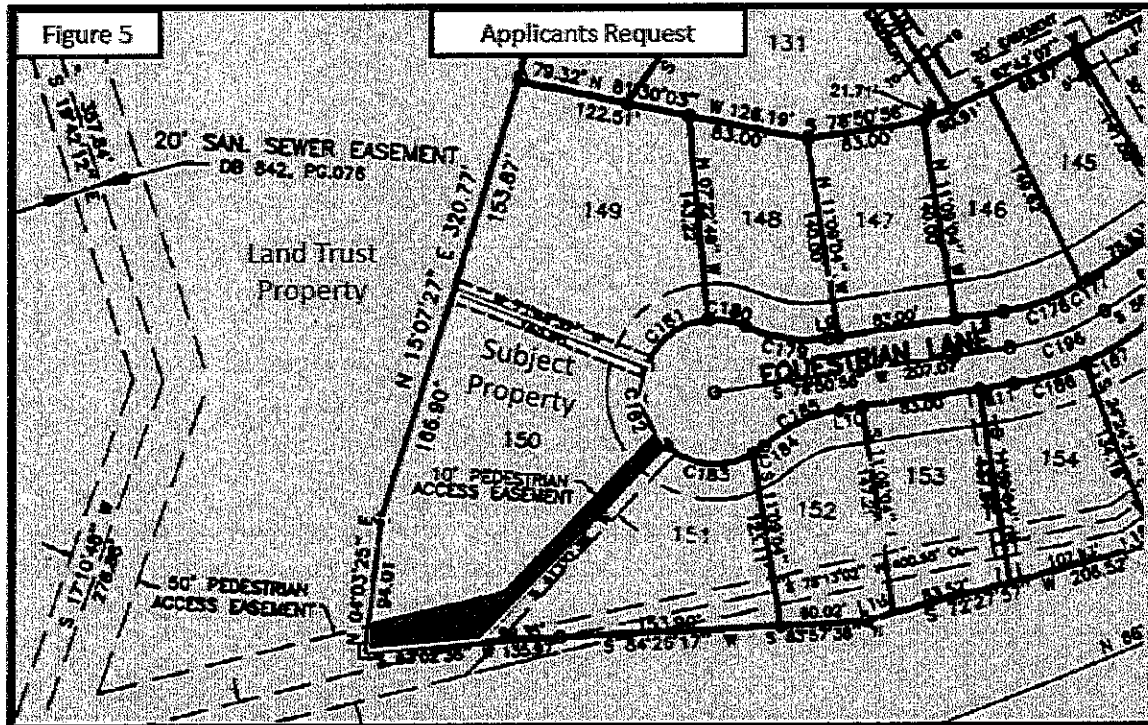
In 2006, Woodland Homes of Huntsville was in the process of constructing a sidewalk within the pedestrian access easement overlaying Lot 150, the subject property, and Lot 151. The construction of the sidewalk was a condition for acceptance into the City of Madison's Maintenance Program. At the time some residents objected to the construction of the sidewalk and addressed the Madison City Council in July of 2006, at which time the construction of the sidewalk was delayed.

In August of 2006, *The Village at Walden Preserve* subdivision was accepted into the City of Madison's Maintenance Program with a condition that Woodland Homes of Huntsville put \$7,500 in escrow for the construction of the sidewalk along the adjoining side yard property line of lots 150 and 151. The \$7,500 would be held in escrow for three years, after which time, if the greenway was not constructed, the \$7,500 would be forfeited.

In September of 2009, the \$7,500 held in escrow was returned to Woodland Homes of Huntsville, since the three year time period had elapsed, and the greenway had not been constructed.

Applicant's Request

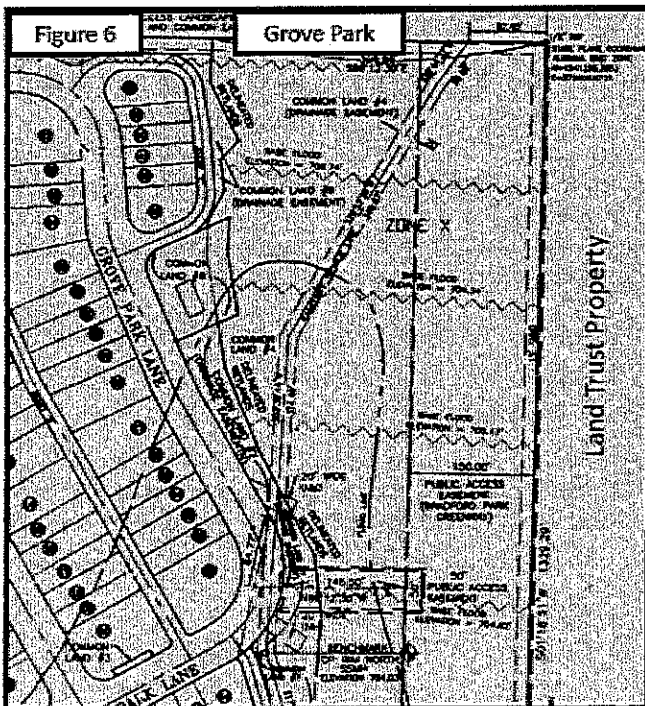
The applicant is requesting the pedestrian access easement, highlighted in blue on Figure 5 and found on Page 4 of this report, be vacated.



Staff Recommendation

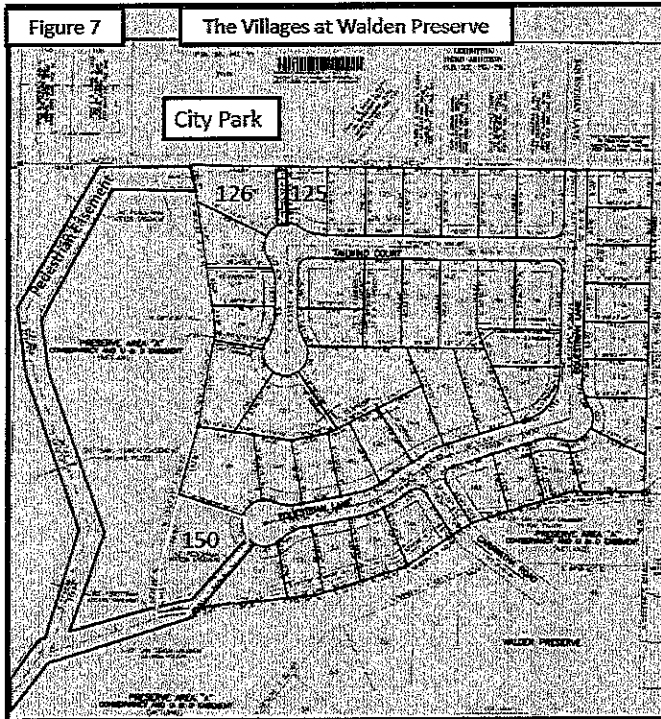
The Planning Department does not recommend the vacation of the pedestrian access easement. The pedestrian easement was platted in 2005 to provide access to a future master planned greenway and trails system. Since the recording of *The Village at Walden Preserve*, significant progress has been made with the funding and construction of a major portion of the Bradford Creek Greenway.

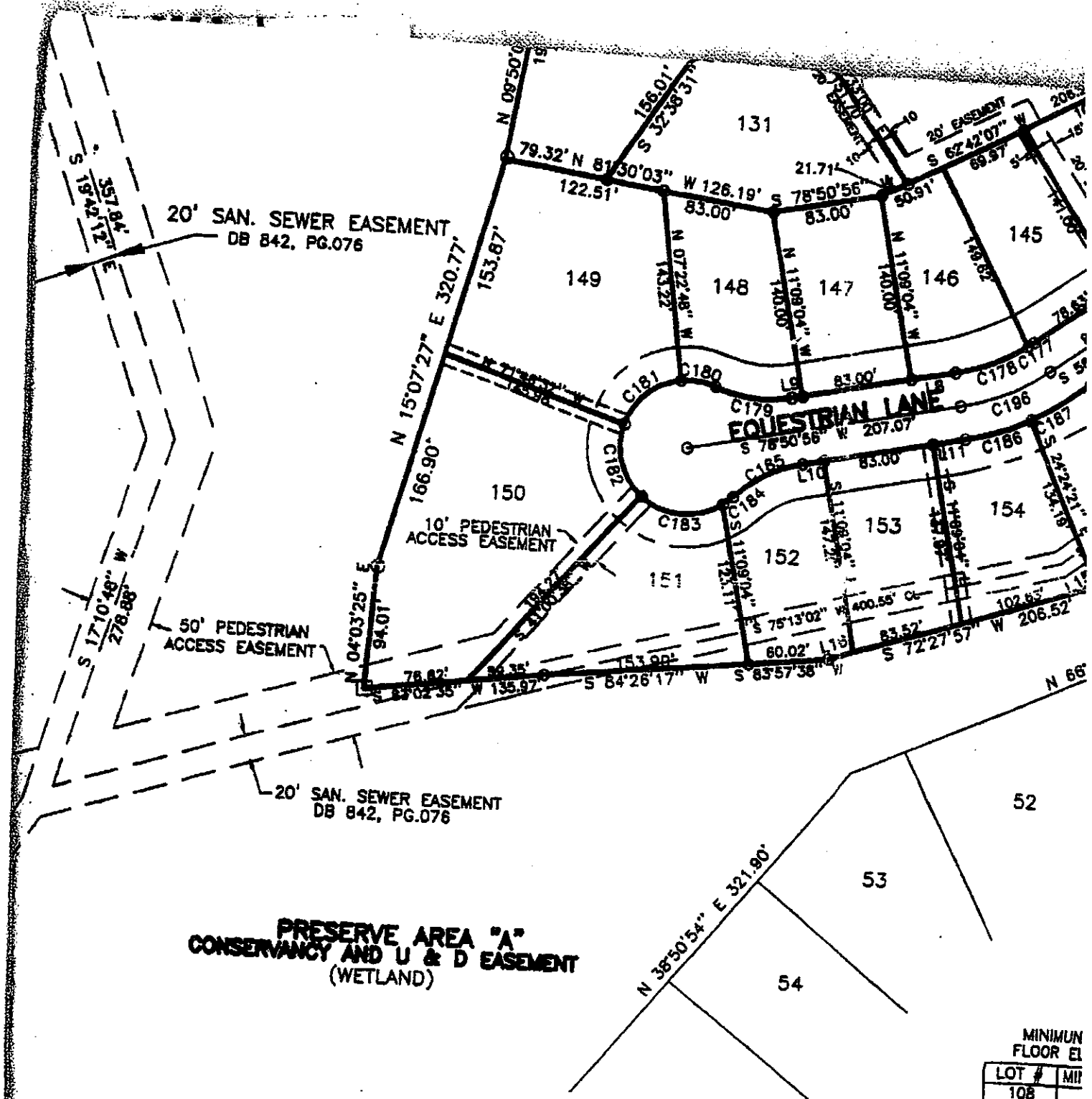
The plans still include the portion of the Bradford Creek Greenway between Heritage Elementary School and Liberty Middle School and will be constructed in the future to provide a pedestrian link to Liberty Middle School and a city park located in *Liberty Knoll* to the north. There is a fifty (50) foot pedestrian easement located on property owned by the Land Trust of Huntsville and North Alabama adjoining the west boundary of *The Village at Walden Preserve* for the construction of a trail when funding becomes available for this phase of the greenway. This portion of the greenway will link *The Village at Walden Preserve* to the city park located in *Liberty Knoll* to the north, Liberty Middle School and *Grove Park*, which adjoins the west side of the Land Trust Property. A 150-foot pedestrian access easement was platted along the east boundary of *Grove Park* with a fifty (50) foot pedestrian access from the lots within *Grove Park* to the



greenway system, providing a pedestrian link between the two subdivisions.

The Village at Walden Preserve has direct access to the city park located in *Liberty Knoll* from the pedestrian easement between lots 125 and 126 fronting the north side of Tailwind Court. However, Lot 150 provides the only direct access to the future phase of the Bradford Creek Greenway from *The Village at Walden Preserve*.





LINE TABLE

DIRECTION	DISTANCE
N 89°21'04" W	18.28'
N 73°00'28" E	18.28'

- GENERAL NOTES:
1. THIS SUBDIVISION CONTAINS 19.15 ACRES, MORE OR LESS, AND 48 LOTS.
 2. THE SMALLEST LOT CONTAINS 10,513 SQUARE FEET, MORE OR LESS.

MINIMUM FLOOR ELEVATION

LOT #	MIN
108	
109	
110	
111	
112	
113	
114	
115	
116	